

REMARKS

Claims 1-3, 6-12, 16-23, 25-35, 38-41, 43-53, and 55-70 were previously pending in the subject application. The Examiner has rejected claims 1-3, 6-12, 16-23, 25-35, 38-41, 43-53, 55-56, and 69-70 and has withdrawn claims 57-68 from consideration. Applicant has amended claims 1, 18-20, 31, 45, 47-49, 52-53, and 69. Applicant has cancelled claims 16-17 and 57-68, without prejudice or disclaimer of the subject matter contained therein. Accordingly, claims 1-3, 6-12, 18-23, 25-35, 38-41, 43-53, 55-56, and 69-70 are now pending in the subject application. No new matter has been added.

Applicant will sequentially address the issues raised by the Examiner.

Withdrawn Claims

The Examiner has withdrawn claims 57-68 from consideration as being directed to a non-elected invention. In an effort to expedite the prosecution of the subject application, Applicant has cancelled claims 57-68, without prejudice or disclaimer of the subject matter contained therein.

Claim Rejections - 35 U.S.C. §103

The Examiner has rejected claims 1-3, 6-12, 16-23, 25-35, 38-41, 43-53, 55-56, and 69-70 under 35 U.S.C. §103 in view of seven cited references. Applicant respectfully traverses these rejections with respect to claims 1-3, 6-12, 16-23, 25-35, 38-41, 43-53, 55-56, and 69-70. Nonetheless, in an effort to expedite the prosecution of the subject application, amendments have been submitted to more fully distinguish over the cited references. In particular, independent claim 1 has been amended to include a feature previously presented in claim 17. Also, independent claim 31 has been amended to clarify that n lasers include "n > 2" lasers. Also, independent claim 45 has been amended to include a feature previously presented in independent claim 31 and to clarify that n lasers include "n > 2" lasers. In addition, certain other amendments have been submitted for clarification or consistency. Applicant respectfully submits that these

amendments neither raise any issue of new matter nor require further consideration or search. Thus, Applicant respectfully requests entry of these amendments.

Independent claim 1 includes a number of features that are not shown or suggested by the cited references, taken either individually or in combination. For instance, Applicant's review of the cited references did not identify any teaching directed to a multiple laser treatment apparatus, which comprises "three-dimensional delivery means for scanning said combined treatment beam in a three-dimensional scanning pattern." Thus, the cited references cannot render obvious the invention defined by independent claim 1.

Claims 2-3, 6-12, 18-23, 25-30, and 69 depend from independent claim 1 and are allowable for at least the reasons set forth above for independent claim 1.

Independent claim 31 also includes a number of features that are not shown or suggested by the cited references, taken either individually or in combination. For instance, Applicant's review of the cited references did not identify any teaching directed to a multiple laser treatment apparatus, which comprises "(a) n lasers, wherein $n > 2$ and each of said n lasers delivers a laser treatment beam, and wherein said laser treatment beams have different laser beam parameters;" and "(b) means for selecting at least two of said laser treatment beams for a treatment." Thus, the cited references cannot render obvious the invention defined by independent claim 31.

Claims 32-35, 38-41, 43-44, and 70 depend from independent claim 31 and are allowable for at least the reasons set forth above for independent claim 31.

Independent claim 45 also includes a number of features that are not shown or suggested by the cited references, taken either individually or in combination. For instance, Applicant's review of the cited references did not identify any teaching directed to a method for laser treatment, which comprises "(a) providing n lasers, wherein $n > 2$ and each of said n lasers delivers a laser treatment beam, and wherein said laser treatment beams have different laser beam parameters;" and "(b) selecting at least two of said laser treatment beams for a treatment." Thus, the cited references cannot render obvious the invention defined by independent claim 45.

Claims 46-53 and 55-56 depend from independent claim 45 and are allowable for at least the reasons set forth above for independent claim 45.

In conclusion, Applicant respectfully submits that the cited references fail to teach or suggest the structure or implementation of the invention defined by claims 1-3, 6-12, 18-23, 25-35, 38-41, 43-53, 55-56, and 69-70 and, thus, that the cited references cannot, as a matter of law, render obvious the claimed invention under 35 U.S.C. §103. Applicant, therefore, respectfully requests withdrawal of the rejections under 35 U.S.C. §103.

Summary

For the reasons set forth above, Applicant respectfully submits that the subject application is in a condition for allowance. An early notice of allowance is, therefore, earnestly requested.


If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 843-5852.

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